

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

The Use of N11 and Other)
Abbreviated Dialing)
Arrangements)

CC Docket No. 92-105

ORIGINAL
FILE

REPLY COMMENTS OF BT NORTH AMERICA INC.

BT North America ("BTNA"), by its attorneys, hereby
replies to the comments that were submitted in response to
the Notice of Proposed Rulemaking which the Federal
Communications Commission issued in the above-captioned
proceeding on May 6, 1992.¹

I. INTRODUCTION

In its initial comments, BTNA expressed numerous
competitive and technical concerns regarding the release of
N11 codes for private use. As an alternative to the release
of N11 codes, BTNA urged the Commission to investigate other
numbering schemes, such as nationwide uniform 7-digit line-
side access numbers.² Such a numbering scheme, if properly
designed, would permit the same "easy to use, easy to

1 Notice of Proposed Rulemaking, CC Docket No. 92-105,
FCC 92-203, (released May 6, 1992) [hereinafter "NPRM"]

2 See Comments of BTNA, CC Docket No. 92-105, at 6.

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remember" access as N11, but would also meet the demands of all enhanced service providers ("ESPs") and other users.³

The comments filed by other parties -- particularly the local exchange carriers, Sprint and Bellcore -- confirm the seriousness of BTNA's concerns and demonstrate the widespread opposition to the release of N11 codes.⁴ These parties expressed concerns that were identical to BTNA's and urged the FCC to investigate alternative numbering plans that would permit access by a greater number of users. Many of the commentators shared BTNA's support for 7-digit line-side access.⁵

3 A number of important issues -- i.e. the routing scheme -- have to be resolved before such a proposal can be evaluated.

4 See, e.g., Comments of US West Communications, Inc., CC Docket No. 92-105; Comments of Pacific Bell and Nevada Bell, CC Docket No. 92-105; Comments of the NYNEX Telephone Companies, CC Docket No. 92-105; Comments of Southwestern Bell Telephone Company, CC Docket No. 92-105; Comments of Sprint Corporation, CC Docket No. 92-105; Comments of Bellcore, CC Docket No. 92-105; Comments of Southern New England Telephone Company, CC Docket No. 92-105; Comments of GTE Service Corporation, CC Docket No. 92-105; and Comments of The Ameritech Operating Companies, CC Docket No. 92-105. (Unless otherwise indicated, all comments cited herein were filed on or about June 5, 1992).

5 See, e.g., Comments of US West at 9-10, and 13-15; Comments of Pacific Bell and Nevada Bell at 19; Comments of Ameritech at 9; and Comments of Southwestern Bell at 12.

II. THE COMMENTS DISPLAY AN ALMOST UNIVERSAL OPPOSITION TO THE RELEASE OF N11 CODES FOR PRIVATE USE.

With the exception of BellSouth, Cox and a handful of others, the parties to this proceeding have expressed great reservations about releasing N11 codes for private use. Many of the Bell Operating Companies ("BOCs"), The Information Technology Association of America ("ITAA") and other ESPs believe that it would be wrong to randomly distribute a scarce resource, such as N11 codes, for the benefit of a few private entities.⁶ Certain carriers noted that N11 code numbers may be needed as early as 1995 for use by the North American Numbering Plan, in order to meet the growing nationwide demand for area codes.⁷ Bellcore also indicated that there may be as-yet-unidentified non-commercial public service uses for abbreviated dialing codes and that, as a consequence, these numbers should not be casually distributed among a few private users.⁸

BTNA and other commentators also noted the inevitable problems that would be involved in recalling N11 codes.

6 See, e.g., Comments of Bell Atlantic at 1-2; Comments of US West at 9; Comments of Ameritech at 1-2; Comments of Southern New England Telephone Company at 2-3; Comments of NYNEX at 3-4; and Comments of The Information Technology Association of America, CC Docket No. 92-105 at 6.

7 See, e.g., Comments of Pacific Bell and Nevada Bell at 10; and Comments of US West at 7.

8 See Comments of Bellcore at 2.

Parties that have enjoyed the benefits of such a valuable resource will not lightly relinquish these numbers.⁹

Although even BellSouth has indicated that it will only permit the use of N11 numbers in the short-term,¹⁰ it has overlooked the numerous obstacles that it will encounter in reclaiming these numbers. Pacific Bell, by contrast, has noted that problems will arise in determining how many and which numbers to recall.¹¹ Bellcore has similarly indicated that N11 assignments will be particularly difficult to recover because they "might be assigned locally under different procedures, contracts and/or regulatory regimes."¹²

Most commentators also shared BTNA's concern that the assignment of N11 codes to a few service providers would offer extraordinary competitive advantages that would disrupt the burgeoning ESP market.¹³ In this regard, US West has noted that the "public interest aura" associated with the use of N11 codes would gratuitously advance the

9 See, e.g., Comments of BTNA at 4; Comments of Bell Atlantic at 4; Comments of Southwestern Bell at 9-10; and Comments of Ameritech at 8-9.

10 See Comments of BellSouth at 2-3.

11 See Comments of Pacific Bell at 12.

12 See Comments of Bellcore at 5.

13 See, e.g., Comments of BTNA at 5; Comments of Southern New England Telephone at 3-4; and Comments of Ameritech at 6-7.

market power of a few organizations.¹⁴ ITAA stated, as did other ESPs and user groups, that ESPs "should succeed or fail in the market based on their relative merits, not because they are among the half dozen fortunate possessors of an easily remembered three-digit dialing code."¹⁵

Most parties acknowledged that it would be impossible to devise an equitable method for allocating such a limited resource.¹⁶ Both Pacific Bell and Nevada Bell and Sprint have noted that if companies applied the "first come, first served" standard, an issue would arise about what period of time to apply to the requests.¹⁷ Many carriers have received requests for N11 numbers during the last several years, when these codes were unavailable.¹⁸ In addition, ITAA noted that permitting LECs to select the allocation method, as proposed in the Notice,¹⁹ would present "sizable opportunities for 'insider trading,'

14 See Comments of US West at 9.

15 See, e.g., Comments of ITAA at 7; and Comments of the Ad Hoc Telecommunications Users Committee, CC Docket No. 92-105 at 2-3.

16 See, e.g., Comments of Sprint at 5; Comments of Pacific Bell and Nevada Bell at 6-7; Comments of US West at 21; Comments of Southwestern Bell at 6-7; and Comments of Ameritech at 14-15.

17 Comments of Sprint at 5; and Comments of Pacific Bell and Nevada Bell at 6-7.

18 Id.

19 NPRM at ¶ 16.

enabling the LECs to reward those service providers with which they have established business alliances."²⁰ ITAA was equally opposed to an auction or lottery system, noting that an auction would permit the carriers to enrich themselves at the expense of service providers, while a lottery might foreclose the market to future innovative technologies.²¹

Other commentators noted the technical and economic problems that could arise if N11 codes were issued to individual ESPs. US West, for example, noted that it would be unable to route N11 calls, other than 911 or 411, without modifications to its switches.²² NYNEX stated that the development of N11 abbreviated arrangements require significant changes in existing routing guides and number transactions, as well as necessitating the development of a compatible transport service that meets the needs of users such as Cox.²³ Sprint indicated that the use of currently unassigned N11 codes might threaten LEC access revenues.²⁴ Although N11 codes could be accommodated in Sprint's switches without too much difficulty, N11 billing "would

20 See Comments of ITAA at 5.

21 Id. at 6.

22 See Comments of US West at 16.

23 See Comments of NYNEX at 4, n. 4.

24 See Comments of Sprint at 6.

require significant software development".²⁵ In addition, many parties noted that customer confusion might arise because N11 numbers could be assigned locally.²⁶ Customers who use "511" at home to obtain a given service might need to dial a different number in a neighboring state or LATA.²⁷

Finally, many parties expressed the concern that a Commission decision allowing the use of N11 codes might raise numerous jurisdictional issues.²⁸ Because these numbers could be assigned at the local level, some state authorities may insist that N11 numbers be allocated in accordance with that state's criteria, perhaps in contravention of federal policy.²⁹ Furthermore, certain local telephone companies, such as Rochester Telephone Corporation, are opposed to the assignment of N11 codes altogether.³⁰

25 Id. at 6-7.

26 See, e.g., Comments of US West at 22; Comments of Sprint at 6; and Comments of Pacific Bell and Nevada Bell at 13.

27 See, e.g., Comments of Sprint at 6.

28 See, e.g., Comments of Pacific Bell and Nevada Bell at 17.

29 See, e.g., Comments of Southwestern Bell at 8; and Comments of Ameritech at 11.

30 See, e.g., Comments of Rochester Telephone Corporation, CC Docket No. 92-105, at 2-3.

III. THE COMMISSION SHOULD INVESTIGATE ALTERNATIVES TO N11 CODES THAT PROVIDE ACCESS TO A GREATER NUMBER OF USERS.

In its initial comments, BTNA recommended that the Commission investigate alternatives to N11 codes, in particular nationwide uniform 7-digit line-side access numbers.³¹ Many commentators also called for the development of alternatives that will meet the interconnection needs of all that seek them.³² It is worth noting that BellSouth has indicated that some 600 "NXX #" arrangements can be released in approximately the same time frame as N11 codes.³³ In this regard, Ameritech stated that the implementation of N11 could "prematurely preempt" industry efforts to meet "the needs underlying the requests for an N11 access code, while accommodating significantly greater demand."³⁴

BTNA is encouraged that various other parties supported the further investigation of 7-digit line-side

31 See Comments of BTNA at 6.

32 See, e.g., Comments of Bell Atlantic at 2-5; Comments of Pacific Bell and Nevada Bell at 18-21; Comments of Southwestern Bell at 12-13; Comments of Southern New England Telephone Company at 5-6; and Comments of Ameritech at 11.

33 See Letter from Robert L. Capell, III, BellSouth, to James T. McKnight, Cox Newspapers, of March 4, 1992 at 3 (included as Exhibit A to BellSouth's Petition for Expedited Declaratory Ruling, filed March 6, 1992).

34 See Comments of Ameritech at 12.

access numbers.³⁵ Southwestern Bell, for example, stated that the "easy to remember, easy to use" method of accessing service providers could be obtained by setting aside the 555-XXXX format for service providers.³⁶ Both BTNA and Southwestern Bell, however, noted that because the full ramifications of 555-XXXX are not yet known, they cannot fully endorse the concept at present.³⁷ BTNA, Southwestern Bell, and others also noted the problems associated with N11 assignment. They therefore recommended that the Commission investigate and request comment about N11 assignment alternatives.³⁸

IV. CONCLUSION

For all of the reasons stated above and in BTNA's initial comments, BTNA urges the Commission not to release N11 codes for use in the provision of enhanced services. Rather, the Commission should investigate or order the Information Industry Liaison Committee ("IILC") to investi-

35 See, e.g., Comments of US West at 9-10; Comments of Pacific Bell and Nevada Bell at 19; Comments of Southwestern Bell at 12; and Comments of Ameritech at 9.

36 See Comments of Southwestern Bell at 12.

37 Numerous technical -- i.e., routing -- and pricing issues need to be resolved before the 555-XXXX solution can be fully evaluated.

38 See, e.g., Comments of Southwestern Bell at 12; and Comments of BTNA at 6-7.

gate alternative dialing arrangements -- in particular, nationwide uniform 7-digit line-side access numbers -- that would better meet the needs of a greater number of ESPs. If the Commission chooses to utilize IILC, it should impose firm time frames for consideration of this issue.

Respectfully submitted,

BT NORTH AMERICA INC.



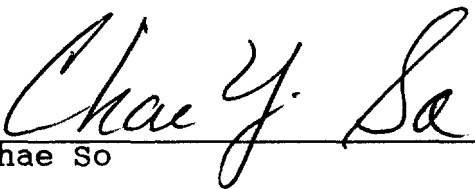
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CERTIFICATE OF SERVICE

I, Chae So, hereby certify that copies of the foregoing Reply Comments of BT North America were served by hand or by First-Class U.S. Mail, postage prepaid, upon the parties appearing on the attached service list, this 13th day of July 1992.


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